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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/650,258

**MAILED**

Filing Date: August 29, 2000

**FEB 07 2007**

Appellant(s): NORIMATSU, SATOSHI

**Group 3700**

James H. Walters  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed March 28, 2006 appealing from the Office action mailed July 27, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,010,405	Morawiec	1-2000
6,392,644	Miyata	5-2002

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morawiec (U.S. 6,010,405) in view of Miyata et al. (U.S. 6,392,644).

Morawiec discloses a videogame system having an audiovisual presentation designed to simulate an episodic nature of a comic book page. The audiovisual presentation is defined by distinct panels sequentially arranged to form a page layout, the panel limits the player-controlled character play to in an active panel in which the character must complete tasks before proceeding forward in the sequential arrangement of panels to create the comic book story. Additionally, the videogame system allows a player variety by providing alternate routes in which to traverse the panels thereby enabling a game player to determine the story line. Graphic effects are also provided to enhance the comic book medium simulation. For instance, the active panel display has a greater three-dimensional feel than the dormant panels which are flatter in appearance. Morawiec further discloses:

Regarding Claims 1, 8, and 9:

- a game console having a microprocessor with a player-controlled input device for providing signal outputs to the console which are responsive to player input and

provide audiovisual images on a display in response to player's inputs (Abstract, Column 3, lines 40-52 and Figure 6); and

- wherein three-dimensional objects corresponding to at least one of enemy characters except for the character corresponding to a player, traps and items are arranged in a manner of different contents and different order in said field of view corresponding to each of a plurality of viewpoints (Figure 2). This limitation is read on by figure 2.

When the player character travels to the right or left each of the items shown on the screen are arranged in a different manner (opposite).

Regarding Claims 3, 4, and 6:

- a microprocessor and memory for providing a scene change (a player completing tasks in one panel and proceeding to the next panel in the comic book medium simulation) (Abstract, Column 1, lines 45-60, Column 2, lines 3-36, and Figures 1, 2).

Regarding Claim 14:

- wherein said image preparing unit generates the plurality of the two-dimensional images including different contents with corresponding the common three-dimensional game space to each of the plurality of viewpoints (Figure 1 and Column 3, line 62-Column 4, line 34). Morawiec discloses allowing a player variety by providing alternate routes in which to traverse the panels of a comic book page thereby enabling a game player to determine the story line. Morawiec accomplishes this goal by providing directional arrows, as shown in Figure 1, to show the player alternate routes to take. The story is told/played in a sequential/forward-only fashion. Therefore, a player can play a same selected portion of said predetermined course,

that is from the start panel to the ending panel in the comic book story, and traverse alternate panels along the way having different viewpoints at different times for the storyline.

Morawiec seems to lack explicitly stating:

Regarding Claims 1, 8, and 9:

- setting a plurality of viewpoints in the field of view in which said character is included; and selectively preparing two-dimensional images corresponding to said plurality of viewpoints.

Regarding Claim 2:

- storing image data necessary for preparing two-dimensional images corresponding to one of said plurality of viewpoints.

Regarding Claim 7:

- the game system changes the level of difficulty of the events corresponding to the plurality of viewpoints.

Regarding Claim 15:

- the three-dimensional objects corresponding to said character corresponding to a player, said enemy characters, said traps and said items are configured by polygons.

Regarding Claim 16:

- said image preparing unit performs perspective projection conversion based on the viewpoint set by said viewpoint setting unit to a said three-dimensional objects and generates said two-dimensional image.

Miyata et al. teaches of a three-dimensional graphics display system that jointly uses two and three-dimensional image representations thereby effectively reducing the amount of data to process.

Miyata et al. teaches:

Regarding Claims 1, 8, and 9:

- setting a plurality of viewpoints in the field of view in which said character is included; and selectively preparing two-dimensional images corresponding to said plurality of viewpoints (Abstract, Figures 2, 3, 5, 9, 10, 11, 19, 23, Column 6, lines 1-25, Column 7, lines 12-16, 50-65, and Column 17, lines 60-67).

Regarding Claim 2:

- storing image data necessary for preparing two-dimensional images corresponding to one of said plurality of viewpoints (Abstract, Figures 2, 3, 5, 9, 10, 11, 19, 23, Column 6, lines 1-25, Column 7, lines 12-16, 50-65, and Column 17, lines 60-67).

Regarding Claim 15:

- the three-dimensional objects corresponding to said character corresponding to a player, said enemy characters, said traps and said items are configured by polygons (Abstract, Figures 2, 3, 5, 9, 10, 11, 19, 23, Column 6, lines 1-25, Column 7, lines 12-16, 50-65, and Column 17, lines 60-67).

Regarding Claim 16:

- said image preparing unit performs perspective projection conversion based on the viewpoint set by said viewpoint setting unit to a said three-dimensional objects and generates said two-dimensional image (Abstract, Figures 2, 3, 5, 9, 10, 11, 19, 23, Column 6, lines 1-25, Column 7, lines 12-16, 50-65, and Column 17, lines 60-67).

This limitation occurs each time a viewpoint is changed.

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the graphic display system of Miyata et al. in the videogame system of Morawiec. Doing so allows for simultaneous two and three-dimensional image representations thus reducing the amount of image data processing and freeing up computer resources for other necessary game functions.

Regarding Claim 7, it would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate different difficulty levels for each sequential panel in Morawiec's comic book videogame simulation system. Increasing the difficulty of a game scene (game stage) as a game progresses is notoriously well known in the art.

#### **(10) Response to Argument**

Appellant notes the main point at issue is whether Morawiec shows a three-dimensional game space as contemplated by Appellant's claim. The Examiner agrees with Appellant's statement.

Appellant alleges Morawiec shows a character moving around in multiple 2-dimensional spaces, completing actions in a first 2-dimensional space, then moving on to another, different 2-dimensional spaces. The Examiner respectfully disagrees. The examiner asserts Morawiec's character moves in both two-dimensions (distinct panels shown as a comic strip) and three-dimensions (the active panel selected by player wherein a player completes a task in a three-dimensional space). Morawiec clearly discloses a player plays in a three dimensional game space in Column 5, line 54-Column 6, line 31). Therefore, for the reasons discussed hereinabove, the rejection to claims 1-4, 6-9 and 14-16 renders the claimed invention obvious.

Appellant alleges the 2-D comic book panel in Morawiec does not become an active panel becoming a 3-D game space. The examiner respectfully disagrees. The Examiner asserts that the

visual distinction between a three-dimensional feel and the dormant panels which are flatter in appearance is the difference between a game in three-dimensions versus a game in two-dimensions (Column 5, lines 52-55). Furthermore, Morawiec describes how higher priority character elements come to the foreground of the scene (emphasis added) (Column 5, lines 60-63). In a two-dimensional game space, character elements would be unable to “come to the foreground of the scene” as the view of the characters would only be in x (horizontal) and y (vertical) planes. Furthermore, even if Morawiec did not disclose a three-dimensional game space, the combination of Morawiec in view of Miyata taken as a whole to one having ordinary skill in the art at the time of Appellant’s invention, teaches the claimed feature as Miyata additionally teaches of a three-dimensional graphics display system that jointly uses two and three-dimensional image representations thereby effectively reducing the amount of data to process that can be used in a game. Therefore, for the reasons discussed hereinabove, the Examiner believes the rejection should be sustained.

Regarding Claims 1, 8, and 9, Appellant alleges neither Morawiec nor Miyata is concerned with “setting and selectively preparing images corresponding to plural viewpoints.” Appellant provides support for this argument by pointing to a concept shown in Figure 4. Namely, there are two separate paths (viewpoints b2 and c1) from function block B2 to function block B3. However, this feature is clearly disclosed in Morawiec as discussed above regarding claims 10-12. Furthermore, Morawiec discloses preparing images (comic book panels) corresponding to plural viewpoints (alternate routes). Therefore, for the reasons discussed hereinabove, the Examiner believes the rejection should be sustained.

Regarding claims 3 and 4, Appellant alleges Morawiec does not disclose, “a viewpoint switching unit for switching the viewpoints set by the viewpoint setting unit, further adding that a

scene change is performed by discretely switching the content of the two-dimensional image.” The Examiner asserts a player completing tasks in one panel and proceeding to the next panel in the comic book medium simulation discloses this feature (Abstract, Column 1, lines 45-60, Column 2, lines 3-36, and Figures 1, 2). Therefore, for the reasons discussed hereinabove, the Examiner believes the rejection should be sustained.

Regarding claims 6 and 7, Appellant alleges these claims are allowable for the same reasons discussed above for claims 3 and 4. The Examiner respectfully disagrees for the same reasons discussed hereinabove. Therefore, for the reasons discussed hereinabove, the Examiner believes the rejection should be sustained.

Regarding claim 8, Appellant alleges Morawiec does not disclose a three-dimensional game space as discussed above with regards to claim 1 and is therefore allegedly allowable. The Examiner respectfully disagrees for the same reasons discussed hereinabove. Consequently, the Examiner believes the rejection should be sustained.

Regarding claim 9, Appellant alleges claim 9, “recites things not taught or suggested by the combination used in the rejection.” For instance, Appellant alleges claim 1, “calls for a program moving a character in a predetermined course in a three-dimensional game space.” This feature claim feature has been addressed above with regards to claim 1. Furthermore, Appellant alleges Morawiec does not disclose, “setting a plurality of viewpoints in the field of view in which the character is included.” In response to applicant’s arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Finally, Appellant alleges there is no motivation to combine the Morawiec and Miyata references. However, the Examiner respectfully disagrees. As noted in the rejection, it would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the graphic display system of Miyata et al. in the videogame system of Morawiec. Doing so allows for simultaneous two and three-dimensional image representations thus reducing the amount of image data processing and freeing up computer resources for other necessary game functions. Therefore, for the reasons discussed hereinabove, the Examiner believes the rejection should be sustained.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



SCOTT JONES  
PRIMARY EXAMINER

Scott Jones

Art Unit 3714,

Primary Examiner

Conferees:

Application/Control Number: 09/650,258

Art Unit: 3714

Bob Olszewski

Art Unit 3714, SPE

John Hotaling

Art Unit 3712, SPE

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